

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHANIE ZDROWSKI, Guardian Ad Litem
of C.R., a minor,

Plaintiff,

v.

Case No. 2:13-cv-12995
Hon. Laurie J. Michelson

STACEY RIECK, NICOLE ADAMSON,
MICHAEL E. SHARROW AND ALGONAC
COMMUNITY SCHOOL DISTRICT
a/k/a ALGONAC COMMUNITY SCHOOLS,
a statutory Michigan Public School District,

Defendants.

**PLAINTIFF'S MOTION FOR APPROVAL OF SETTLEMENT FOR
MINOR AND FOR ALLOCATION OF PROCEEDS OF SETTLEMENT**

NOW COMES Plaintiff, Stepahnie Zdrowski, n/k/a Stephanie Rice, duly appointed Guardian Ad Litem of C.R., a minor, by and through her counsel, and for her Motion for Approval of Settlement for Minor and For Allocation of Proceeds of Settlement, states as follows:

1. C.R. was a seven year old second grader who suffered injuries when he was pulled out from under a cubby and dragged down the hall at the Defendants' School.
2. C.R. is autistic and the incident caused him to suffer emotional distress which was a manifestation of his disability.
3. Stephanie Zdrowski, C.R.'s mother, was appointed as Guardian Ad Litem of C.R.
4. C.R. was hospitalized for a number of months during which time he was treated for the emotional distress that he suffered as a result of the incident.

5. Stephanie Zdrowski brought suit against the Defendants alleging common law as well as statutory violations.

6. The Court granted the Defendants' Motion for Summary Judgment and dismissed the case.

7. Defendants filed an appeal of the Summary Judgment ruling with the Sixth Circuit Court of Appeals.

8. Shortly before the parties were to appear for oral argument of the appeal, a settlement was reached for the sum of \$10,000.

9. Plaintiff believes the settlement is in the best interest of C.R., since it is always very difficult to forecast how an Appellate Court will rule on issues.

10. Plaintiff entered into a standard one-third Contingent Fee attorney agreement with her counsel which provided that Counsel would pay for the out-of-pocket costs incurred in the litigation and then recover the costs from any settlement or verdict.

11. Plaintiff's out-of-pocket costs in this matter amounted to \$6,540.37. (**Exhibit 1**)

12. Stephanie Zdrowski and her counsel agreed to modify the Contingent Fee Agreement so that the law firm would receive \$5,000 and she would receive \$5,000 on behalf of C.R.

13. Under MCL §700.5102 a settlement which does not exceed \$5,000 may be paid to an individual having the care and custody of the minor with whom the minor resides.

14. Stephanie Zdrowski has the care and custody of C.R. and C.R. resides with her.

WHEREFORE, Stephanie Zdrowski, as guardian ad litem of C.R., respectfully requests the following relief:

A. That this Honorable Court approve the settlement in the amount of \$10,000.

- B. That the Court order distribution of the settlement proceeds as follows:
- i. \$5,000 to Hafeli Staran & Christ, P.C.
 - ii. \$5,000 to Stephanie Zdrowski to be used pursuant to MCL §700.5102.
- C. That the Court grant such other and further relief as shall be appropriate under the circumstances.

Respectfully submitted.

Hafeli Staran & Christ, P.C.

/s/Mark W. Hafeli
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248) 731-3083
mhafeli@hsc-law.com
(P28908)

Dated: October 3, 2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHANIE ZDROWSKI, Guardian Ad Litem
of C.R., a minor,

Plaintiff,

v.

Case No. 2:13-cv-12995
Hon. Laurie J. Michelson

STACEY RIECK, NICOLE ADAMSON,
MICHAEL E. SHARROW AND ALGONAC
COMMUNITY SCHOOL DISTRICT
a/k/a ALGONAC COMMUNITY SCHOOLS,
a statutory Michigan Public School District,

Defendants.

**PLAINTIFF'S BRIEF IN SUPPORT OF MOTION FOR APPROVAL OF SETTLEMENT
FOR MINOR AND FOR ALLOCATION OF PROCEEDS OF SETTLEMENT**

Relief Requested

This matter was brought by a Court Appointed Guardian Ad Litem on behalf of a minor pursuant to Fed. R. Civ. P. 17.

Pursuant to *AT&T Mobility, LLC v Yeager*, 143 F Supp 3d 1042 (E.D. Cal. 2015) and *Neilson v Colgate-Palmolive Co.*, 199 F3d 642 (2nd Cir. 1999) it is necessary that a settlement made by a Guardian Ad Litem on behalf of a minor must be approved by the Court.

Pursuant to MCL §700.5102, payment to a minor may be delivered to an individual having the care and custody of the minor and with whom the minor resides. In this case Stephanie Zdrowski has the care and custody of C.R. and C.R. resides with Stephanie Zdrowski. The settlement in this matter was for \$10,000 which the Plaintiff feels is in C.R.'s best interest since the matter is on Appeal.

Relief Requested

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant her the following relief:

- A. Approve the settlement in the amount of \$10,000.
- B. Approve distribution of the settlement as follows:
 - i. \$5,000 to Hafeli Staran & Christ, P.C.
 - ii. \$5,000 to Stephanie Zdrowski to be used pursuant to MCL §700.5102.

Respectfully submitted.

Hafeli Staran & Christ, P.C.

/s/Mark W. Hafeli
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248) 731-3083
mhafeli@hsc-law.com
(P28908)

Dated: October 3, 2016

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2016, I electronically filed the *Plaintiff's Motion and Brief in Support of Motion for Approval of Settlement for Minor and for Allocation of Proceeds of Settlement* with the Clerk of the Court using the ECF system which will send notification of such filing to the following persons(s): Timothy J. Mullins, Esq. and John L. Miller, Esq.

/s/Mark W. Hafeli
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248) 731-3083
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(P28908)

Exhibit 1

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Slip Listing

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Selection Criteria

Slip/Slip Type Clie.Selection	Expense Include: Zdrowski, Stephanie
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Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description	Expense	Timekeeper Activity Client Matter	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
204916 9/19/2012 WIP Copy of medical records- check #7458 payable to St. Clair County Mental Health	EXP	MWH Medical records Zdrowski, Stephanie Civil Rights Claim	1	15.00	15.00
214345 8/19/2013 WIP Filing fee - check #7803	EXP	MWH Filing fee Zdrowski, Stephanie Civil Rights Claim	1	400.00	400.00
214347 8/19/2013 WIP Expert Services - check #7803	EXP	MWH Expert witness fees Zdrowski, Stephanie Civil Rights Claim	1	367.50	367.50
214358 8/19/2013 WIP Service fee (Summons & Complaint addressed to Michael E. Sharrob) - check #7805 made payable to Emunson process Service	EXP	MWH Service fee Zdrowski, Stephanie Civil Rights Claim	1	78.90	78.90
214359 8/19/2013 WIP Service fee (Summons & Complaint addressed to Nichole Adamson) - check #7805 made payable to Emunson process Service	EXP	MWH Service fee Zdrowski, Stephanie Civil Rights Claim	1	35.75	35.75
214360 8/19/2013 WIP Service fee (Summons & Complaint addressed to Stacey Rieck) - check #7805 made payable to Emunson process Service	EXP	MWH Service fee Zdrowski, Stephanie Civil Rights Claim	1	57.00	57.00

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Matter	Variance		
214362	EXP	MWH	1	59.55	59.55
8/19/2013		Service fee			
WIP		Zdrowski, Stephanie			
Service fee (Summons & Complaint addressed to Algonac Community School District) - check #7805 made payable to Emunson process Service		Civil Rights Claim			
216964	EXP	MWH	1	0.50	0.50
11/19/2013		Miscellaneous			
WIP		Zdrowski, Stephanie			
Pacer service - check #7903		Civil Rights Claim			
217962	EXP	MWH	1	75.32	75.32
12/27/2013		Copying			
WIP		Zdrowski, Stephanie			
Record production services - New Horizons Counseling Center, PLLC - check #7952 made payable to Legal Copy Services		Civil Rights Claim			
217963	EXP	MWH	1	145.01	145.01
12/27/2013		Copying			
WIP		Zdrowski, Stephanie			
Record production services - Havenwyck Hospital - check #7952 made payable to Legal Copy Services		Civil Rights Claim			
217964	EXP	MWH	1	133.28	133.28
12/27/2013		Copying			
WIP		Zdrowski, Stephanie			
Record production services - Saint Clair County Community Mental Health - check #7952 made payable to Legal Copy Services		Civil Rights Claim			
218007	EXP	MWH	1	22.55	22.55
12/27/2013		UPS			
WIP		Zdrowski, Stephanie			
UPS overnight delivery - check #7955		Civil Rights Claim			
219381	EXP	MWH	1	50.00	50.00
2/19/2014		Miscellaneous			
WIP		Zdrowski, Stephanie			
Runner fee to pick up interrogatories - check #8002 made payable to Michael Hafeli		Civil Rights Claim			
220022	EXP	MWH	1	0.10	0.10
3/11/2014		Miscellaneous			
WIP		Zdrowski, Stephanie			
Pacer service - check #8020		Civil Rights Claim			

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Slip ID	Dates and Time Posting Status Description	Timekeeper Activity Client Matter	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
220025	EXP 3/11/2014 WIP UPS overnight delivery - check #8021	MWH UPS Zdrowski, Stephanie Civil Rights Claim	1	27.25	27.25
221940	EXP 5/21/2014 WIP Record production services - deponent Millside Elementary School - check #8107 made payable to Legal Copy Services, Inc.	MWH Deposition transcripts Zdrowski, Stephanie Civil Rights Claim	1	30.44	30.44
221941	EXP 5/21/2014 WIP Record production services - deponent Children's Hospital of Michigan - check #8107 made payable to Legal Copy Services, Inc.	MWH Deposition transcripts Zdrowski, Stephanie Civil Rights Claim	1	82.69	82.69
221942	EXP 5/21/2014 WIP Record production services - deponent Harbor Oaks Hospital - check #8107 made payable to Legal Copy Services, Inc.	MWH Deposition transcripts Zdrowski, Stephanie Civil Rights Claim	1	48.00	48.00
221943	EXP 5/21/2014 WIP Record production services - deponent Clay Township Police Department - check #8107 made payable to Legal Copy Services, Inc.	MWH Deposition transcripts Zdrowski, Stephanie Civil Rights Claim	1	37.46	37.46
222564	EXP 6/9/2014 WIP Copy of Deponent: Hawthorn Center - check #8126 made payable to Legal Copy Services	MWH Deposition transcripts Zdrowski, Stephanie Civil Rights Claim	1	151.69	151.69
224925	EXP 8/25/2014 WIP Transcript cost - check #2008 made payable to Hanson/Renaissance Court Reporters & Video	MWH Transcript Zdrowski, Stephanie Civil Rights Claim	1	402.10	402.10
224929	EXP 8/25/2014 WIP	MWH Deposition transcripts Zdrowski, Stephanie	1	924.50	924.50

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Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Matter	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
Transcripts of deposition - check #2013 made payable to Tamara A. O'Connor	Civil Rights Claim			
225214 EXP 9/3/2014 WIP Expert fee - check #2023 made payable to ABC's for Life Success, LLC	MWH Expert witness fees Zdrowski, Stephanie Civil Rights Claim	1	1306.67	1306.67
225561 EXP 9/11/2014 WIP Transcript cost - check #2028 made payable to Clark Reporting & Associates	MWH Transcript Zdrowski, Stephanie Civil Rights Claim	1	79.20	79.20
225566 EXP 9/11/2014 WIP UPS overnight delivery - check #2033	MWH UPS Zdrowski, Stephanie Civil Rights Claim	1	31.41	31.41
227242 EXP 11/10/2014 WIP UPS overnight delivery - check #2112 made payable to UPS	MWH UPS Zdrowski, Stephanie Civil Rights Claim	1	22.39	22.39
227345 EXP 11/13/2014 WIP Consultation (9.75 hours) - check #2115 made payable to ABC's for Life Success, LLC	MWH Expert witness fees Zdrowski, Stephanie Civil Rights Claim	1	1082.08	1082.08
228032 EXP 12/5/2014 WIP UPS overnight delivery - check #2145 made payable to UPS	MWH UPS Zdrowski, Stephanie Civil Rights Claim	1	22.28	22.28
235640 EXP 9/10/2015 WIP Transcript cost for Appeal - check #2431 made payable to Matthews Reporting, Inc.	MWH Transcript Zdrowski, Stephanie Civil Rights Claim	1	328.50	328.50

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Matter	Variance		
236697	EXP	MWH	1	505.00	505.00
10/14/2015		E-filing fee			
WIP		Zdrowski, Stephanie			
E-filing fee - Appeal - check #2472		Civil Rights Claim			
237523	EXP	MWH	1	18.25	18.25
11/17/2015		Transcript			
WIP		Zdrowski, Stephanie			
Transcript cost - check #2515 made payable to Matthews Reporting, Inc.		Civil Rights Claim			
Grand Total					
			Billable	0.00	6540.37
			Unbillable	0.00	0.00
			Total	0.00	6540.37